
Government of the District of Columbia



Child and Family Services Agency

Testimony of
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Acting Director

**Public Hearing on Bill 18-12,
“Adoptions and Safe Families Amendment Act of 2009”**

Before the Committee on Human Services
Tommy Wells, Chair
Council of the District of Columbia

February 11, 2009

Room 123
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004
9 a.m.

Good morning, Chairman Wells and members of the Committee on Human Services. I am Dr. Roque Gerald, Interim Director of the District of Columbia Child and Family Services Agency. I am pleased to testify before you today on Bill 18-12, the "Adoption and Safe Families Amendment Act of 2009".

The Adam Walsh Child Protection and Safety Act of 2006 was signed into law by Congress on July 27, 2006. Though the Act is primarily directed at law enforcement agencies, certain provisions do affect child welfare agencies. Specifically, the Adam Walsh Act requires that a criminal background check be conducted on all prospective foster and adoptive parents before a child may be placed with these individuals. In addition, the Act prohibits the use of Title IV-E funds for foster or adoptive payments if the criminal background check reveals that the foster or adoptive parent has been convicted of certain felonies. For the District to continue being eligible for federal payments under Title IV-E of the Social Security Act, it must enact permanent legislation that complies with the child welfare provisions of the Adam Walsh Act.

Currently, District law requires criminal background checks for all applicants seeking to be licensed or approved as foster or adoptive parents. If the background check reveals that an individual has a conviction for a felony listed in the Adam Walsh Act, CFSA will generally not approve the individual's application. However, the agency may, at its discretion, license the applicant if it determines that such approval would be consistent with the health, safety and welfare of the child. Title IV-E payments could still be made on behalf of the child. For the District to be in compliance with the Adam Walsh Act, this "waiver provision" must be amended.

The proposed legislation, Bill 18-12, brings CFSA into compliance with the Adam Walsh Act by providing that Title IV-E funds will not be made on behalf of a child if the foster parent, adoptive parent or an adult residing in the household has been convicted of one of the felonies listed in the Adam Walsh Act. The agency may still license and place a child in these homes if the adult has a conviction for one of the lesser felonies and determines that the placement would be consistent with the health, safety or welfare of the child. Because safety is such an important consideration, CFSA believes that exceptions should only be made for the less serious crimes prohibited by the Adam Walsh Act. However, only local funds would be used in these cases to ensure that the District is in compliance with the Adam Walsh Act.

We do not anticipate making many exceptions when either the foster or adoptive parent or an adult living in the household has been convicted of one of the crimes prohibited by the Adam Walsh Act. However, we believe that it is important that CFSA have the ability to place a child in a home that is best suited to the child when safety is not a concern. The flexibility to place a child is particularly important when CFSA has determined that the most suitable placement is with kin whose household may otherwise be disqualified under the Adam Walsh Act. As you know, the benefits of kinship care cannot be overstated. These placements will not only allow children to be placed with family that they know and trust but it provides the children with stability, and the ability to maintain and sustain strong ties to family.

This legislation will not only ensure that the District is in compliance with the Adam Walsh Child Protection and Safety Act but it will also enable the District to make placement decisions

that are in the best interests of the child. I urge Council to enact this important and necessary legislation.